

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BERTLY ELLAZAR,

Defendant.

2:11-CR-434-LDG-(PAL)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on November 25, 2013, defendant BERTLY ELLAZAR pled guilty to Count Two of a Four-Count Superseding Criminal Indictment charging him with Conspiracy to Commit Wire Fraud in violation of Title 18, United States Code, Sections 1343 and 1349. Superseding Criminal Indictment, ECF No. 243, Change of Plea Minutes, ECF No. 477; Plea Agreement, ECF No. 458.

This Court find defendant BERTLY ELLAZAR agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Criminal Indictment. Superseding Criminal Indictment, ECF No. 243, Change of Plea Minutes, ECF No. 477; Plea Agreement, ECF No. 458.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Criminal Indictment and the offense to which defendant

...

1 BERTLY ELLAZAR pled guilty. Superseding Criminal Indictment, ECF No. 243, Change of Plea
2 Minutes, ECF No. 47; Plea Agreement, ECF No. 45.

3 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section
4 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); and Title 21, United States Code,
5 Section 853(p):

- 6 1. \$350.00 (received from Vladimir Budestean);
- 7 2. \$200.00 (received from Vladimir Budestean);
- 8 3. \$3.04 (recovered from 2002 Mercedes CLK 55, Budestean);
- 9 4. \$2,155.00 seized during search of 4225 Dover Place, Las Vegas, NV residence of
10 Budestean and Nedyalkova);
- 11 5. Currency on Eugeni Stoytchev at time of arrest: \$2,512.00 United States
12 Currency; 1-\$0.50 euro coin (valued at \$0.65 U.S.); 1-\$10 Bulgarian Leva (valued
13 at \$6.68 U.S.); 1-\$2 Bulgarian Leva (valued at \$1.34 U.S.); 4-\$1 Bulgarian Leva
14 (valued at \$3.67 U.S.); 1-\$0.50 Bulgarian Stotinki (valued at \$0.33 U.S.); 3-\$0.20
15 Bulgarian Stotinki (valued at \$.40 U.S.); 10-10 denomination Bulgarian Stotinki
16 (valued at \$0.67 U.S.);
- 17 6. 4225 Dover Place, Las Vegas, Nevada (residential home, Clark County Parcel
18 No. 139-31-411-109); Owners: Vladimir Budestean and Mariya Ytmkerova-
19 Nedyalkova;
- 20 7. Samsung Television (Serial Number LN46B55OK1F w/stand, power cord, remote
21 and cables) (consent search of Oleh Rymarchuk's residence);
- 22 8. Laptop Macbook Air (serial #C02GMBLPDJWV) (consent search of Oleh
23 Rymarchuk's residence);
- 24 9. Laptop Macbook Pro (serial #C02GD1VPDV7L) (consent search of Oleh
25 Rymarohuk's residence);

26 ...

1 10. Powershot A603 w/case (Serial #4136204571) (consent search of Oleh
2 Rymarchuk's residence);

3 11. Apple Time Capsule (1TB) w/cord (Serial #6F94201GACD) (consent search of
4 Oleh Rymarchuk's residence);

5 12. Red Cobra Model #CA-380 .380 caliber pistol (Serial #CP042369 (seized from
6 Bertly Ellazar's residence); and

7 13. An in personam criminal forfeiture money judgment of \$3,000,000.00 in United
8 States Currency

9 (all of which constitutes "property").

10 This Court finds the United States of America is now entitled to, and should, reduce the
11 aforementioned property to the possession of the United States of America.

12 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
13 United States of America should seize the aforementioned property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
15 BERTLY ELLAZAR in the aforementioned property is forfeited and is vested in the United States
16 of America and shall be safely held by the United States of America until further order of the Court.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
18 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
19 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state
20 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state
21 the name and contact information for the government attorney to be served with the petition,
22 pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
24 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
25 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
26 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and

1 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the
2 petitioner's right, title, or interest in the forfeited property and any additional facts supporting the
3 petitioner's petition and the relief sought.


4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
5 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
7 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
8 following address at the time of filing:

9 Michael A. Humphreys
10 Assistant United States Attorney
Daniel D. Hollingsworth
11 Assistant United States Attorney
Lloyd D. George United States Courthouse
12 333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
14 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
15 following publication of notice of seizure and intent to administratively forfeit the above-described
16 property.

17 DATED this ____ day of _____, 2013.

18
19
20
21 
UNITED STATES DISTRICT JUDGE
22
23
24
25
26